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Diane C. Thornton

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One AT&T Way

Room 2A-207

Bedminster, NJ 07921

EXAMINER

COLAN, GIOVANNA B

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/729,496	Applicant(s) THORNTON ET AL.	
	Examiner GIOVANNA COLAN	Art Unit 2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 9-12, 14, 17-20 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 9-12, 14, 17-20, 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/31/2010, 03/02/2010</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is issued in response to applicant filed request for continued examination (RCE) on 03/01/2010.
2. Claims 1 – 4, 6, 9 – 12, 14, 17 – 20, and 22 were amended. No claims were added. Claims 5, 7 – 8, 13, 15 – 16, 21, and 23 – 24 were canceled.
3. Claims 1 – 4, 6, 9 – 12, 14, 17 – 20, and 22 are pending in this application.

Continued Examination Under 37 CFR 1.114

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/11/2006 has been entered.

Response to Arguments

5. Applicant's arguments filed 03/01/2010 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 1 – 4, 6, 9 – 12, 14, 17 – 20, and 22 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Kite et al. (Kite hereinafter) (US Patent App. Pub. No.

2005/0149372 A1, filed: November 7, 2003) in view of VanDusen (US Patent App. Pub.

No. 2003/0208397 A1, filed: April 30, 2001).

Regarding Claim 1, Kite discloses a fiber splice management and assignment system, comprising:

a database storing a fiber splice drawing record associated with a wirecenter (Page 7, [0318], lines 4 – 6 and 9 – 11, Kite), the fiber splice drawing record identifying an engineering drawing job (Page 7, [0318], lines 9 – 1; features/attributes to the FMT SDO Database; both automatically from mechanized wire centers, and manually for non-mechanized wire centers ..; Kite) for adding fiber splice representations in engineering drawings for each location where a fiber cable representation crosses the

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wirecenter boundary representation into another wirecenter, the engineering drawing management (Page 7, [0318], lines 1 – 14, The FMT may include functionality of, or integrate with, existing Mechanized Facility Management database ..., Kite) and assignment system tracking engineering drawing jobs identified by a plurality of fiber splice drawing records (Page 28, [0449], lines 1 – 6, FMT can provide user the ability to view SCID assignments, select a new SCID assignment, and to unassign ..., Page 46, [0562], Table: “EWO # (Engineering Work Order) Engineering work order that placed or modified that piece of equipment”, Kite).

Kite discloses all the limitations as discussed above. However, Kite does not expressly disclose: workflows and credit amounts. On the other hand, VanDusen discloses tracking workflows jobs (Page 26, [1034], lines 13 – 17, VanDusen), which further includes receive a credit amount associated with jobs (Page 14, [0557], line 1, VanDusen).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the VanDusen’ teachings, including workflow teachings to the system of Kite. Skilled artisan would have been motivated to do so, as suggested by VanDusen (Page 1 and 8, [0021] and [0237], lines 1 – 6 and 1 – 10; respectively, VanDusen), to allow diversely skilled and distributed teams to control, coordinate and collaborate within creation process; and to allow, for example, pre qualified IT and Electronic Graphic Design professionals to bid on task assignments, complete project management updates, and receive compensation while working in their own environment.

The combination of Kite in view of VanDusen further discloses:

assignment logic coupled to the database (Page 41, [0549], lines 1 – 8, Loop Facilities Assignment and Control System, Kite), assigning a fiber splice drawing record associated with the engineering drawing job for the wirecenter to a draftsman ([0362], [0436], [0498], [0499], [0500], [0665], and Page 7, [0337], lines 4 – 11; "...Construction is responsible for repair and splicing work. The Splicing technicians in Construction deal with major problems...", Kite) and recording the assignment (Page 41, [0549], lines 9 – 12, Page 41 and 46, [0549] and [0562], lines 2 – 12 and Table: "EWO # (Engineering Work Order) Engineering work order that placed or modified that piece of equipment"; LFACS is an inventory and assignment system for the outside plant ...; respectively, Page 37, [0509], Table: Embodiment: Provide user with the ability to manage LRS notes through a graphical feature by user...System Behavior: Users with the access to FMT can enter LRS notes through a graphical feature, Kite); and

completion logic coupled to the database, receiving a request to close the fiber splice drawing record (Page 55, [0743], lines 5 – 9, Kite) from a draftsman (Page 42, [0556], Table: Service Required: Date by when FACILITY PLANNERS believes service is required for this plan, Kite), and receiving a credit amount associated with the engineering drawing job from a manager (Page 35, [0499], Table: Users Loop Capacity Managers, Long Term Planners, IOF planners; and Page 14, [0557], line 1, VanDusen), the credit amount being assigned to the draftsman that performed the engineering

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drawing job (Page 7 and 14, [0337] and [0557], lines 4 – 11 and 1; respectively, VanDusen); and

reporting logic couple to the database producing a first report identifying each fiber splice drawing record assigned to the draftsman ([0429], and [0647], Kite; and Page 8, [0235], lines 1 – 8, VanDusen); producing a second report identifying each completed fiber splice drawing record assigned to the draftsman (Page 30, [0479], lines 56 – 62, and [0519], Kite; and Page 31, [1162], lines 1 – 6, VanDusen); producing a third report identifying each fiber splice drawing record assigned to a facility of draftsmen (Page 28, [0449], lines 1 – 3, and [0519], Kite; and Page 8, [0257], lines 4 – 7, VanDusen); and producing a fourth report identifying each completed fiber splice drawing record within a defined geographical region ([0516], and [0517], Kite).

Regarding Claim 2, the combination of Kite in view of VanDusen (“Kite/VanDusen” hereinafter) discloses a system, wherein the completion logic is further operable to receive a job number assignment from the manager (Page 28, [0452], lines 42 – 43, Kite).

Regarding Claim 3, Kite/VanDusen discloses a system, wherein the assignment logic is further operable to create a printable cover sheet for the fiber splice drawing record (Page 39, [0528], lines 1 – 2, Kite; and Page 20, [0766], lines 1 – 5, VanDusen).

Regarding Claim 4, Kite/VanDusen discloses a system, wherein the engineering drawing job comprises providing a logical connection across a network element in the engineering drawing (Page 20, [0401], lines 27 – 31, Kite) that previously resulted in a disconnect between a fiber input and output (Page 19, [0395], line 1, Kite).

Regarding Claim 6, Kite/VanDusen discloses a system, wherein the reporting logic is operable to provide the plurality of users with a plurality of unassigned fiber splice records (Page 28, [0449], lines 1 – 3, Kite).

Regarding Claims 9 and 17, Kite/VanDusen discloses computer readable medium having a program for assigning and managing a plurality of fiber splice jobs, the program comprising the steps of:

storing a fiber splice drawing record associated with a wirecenter in a database (Page 7, [0318], lines 4 – 6 and 9 – 11, Kite), the fiber splice drawing records identifying an engineering drawing job ([0362], [0436], [0498], [0499], [0500], [0665], and Page 7, [0318], lines 9 – 1; features/attributes to the FMT SDO Database; both automatically from mechanized wire centers, and manually for non-mechanized wire centers ..; Kite) for adding fiber splice representations in engineering drawings for each location where a fiber cable representation crosses the wirecenter boundary representation into another wirecenter (Page 46, [0562], Table: “EWO # (Engineering Work Order) Engineering work order that placed or modified that piece of equipment”, Kite);

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assigning a fiber splice drawing record associated with the engineering drawing job for the wirecenter to a draftsman (Page 7, [0337], lines 4 – 11, Kite) as part of a workflow tracking process for engineering drawing jobs (Page 28, [0449], lines 1 – 6, FMT can provide user the ability to view SCID assignments, select a new SCID assignment, and to unassign ..., Page 37, [0509], “Table: Embodiment: Provide user with the ability to manage LRS notes through a graphical feature by user...System Behavior: Users with the access to FMT can enter LRS notes through a graphical feature”, Kite; and Page 26, [1035], lines 1 – 4, “...also provide a set of tools for managing error conditions and exceptions, allowing interactive developers to define how a PLP should rollback to earlier steps in a process...”, Page 26, [1034], lines 13 – 17, VanDusen);

recording the assignment (Page 41, [0549], lines 9 – 12, Kite);

receiving a request from a user to mark the fiber splice drawing record as closed (Page 55, [0743], lines 5 – 9, Kite);

assigning credit for the engineering drawing job based upon input from a manager (Page 14, [0557], line 1, VanDusen), the credit being assigned to the draftsman that performed the engineering drawing job (Page 7 and 14, [0337] and [0557], lines 4 – 11 and 1; respectively, VanDusen);

outputting a first report identifying each engineering drawing job assigned to the draftsman ([0429], and [0647], Kite; and Page 8, [0235], lines 1 – 8, VanDusen);

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outputting a second report identifying each completed fiber splice drawing record assigned to the draftsman (Page 30, [0479], lines 56 – 62, and [0519], Kite; and Page 31, [1162], lines 1 – 6, VanDusen);

outputting a third report identifying each fiber splice drawing record assigned to a facility of draftsmen (Page 28, [0449], lines 1 – 3, and [0519], Kite; and Page 8, [0257], lines 4 – 7, VanDusen); and

outputting a fourth report identifying each completed fiber splice drawing record within a defined geographical region ([0516], and [0517], Kite).

Regarding Claims 10 and 18, Kite/VanDusen discloses a program, further comprising assigning a job number to the fiber splice drawing record responsive to input from the manager (Page 28, [0452], lines 41 – 43, Kite¹).

Regarding Claims 11 and 19, Kite/VanDusen discloses a program, further comprising creating a printable cover sheet for the fiber splice drawing record (Page 39, [0528], lines 1 – 2, Kite; and Page 20, [0766], lines 1 – 5, VanDusen).

Regarding Claims 12 and 20, Kite/VanDusen discloses a program, wherein the engineering drawing job comprises providing a logical connection across a network element in the engineering drawing (Page 20, [0401], lines 27 – 31, Kite) that previously resulted in a disconnect between a fiber input and output (Page 19, [0395], line 1, Kite).

Regarding Claims 14 and 22, Kite/VanDusen discloses a program, further comprising providing a report of any fiber splice drawing records which have not been assigned to any of a plurality of draftsmen (Page 28, [0449], lines 1 – 3, Kite).

Response to Arguments

8. Applicant argues that the applied art fails to disclose; "reporting logic coupled to the database producing a first report identifying each fiber splice drawing record assigned to the draftsman; producing a second report identifying each completed fiber splice drawing record assigned to the draftsman; producing a third report identifying each fiber splice drawing record assigned to a facility of draftsmen; and producing a fourth report identifying each completed fiber splice drawing record within a defined geographical region".

Examiner respectfully disagrees. Kite/VanDusen does disclose: reporting logic couple to the database producing a first report identifying each fiber splice drawing record assigned to the draftsman ([0429], and [0647], Kite; and Page 8, [0235], lines 1 – 8, VanDusen); producing a second report identifying each completed fiber splice drawing record assigned to the draftsman (Page 30, [0479], lines 56 – 62, and [0519], Kite; and Page 31, [1162], lines 1 – 6, VanDusen); producing a third report identifying each fiber splice drawing record assigned to a facility of draftsmen (Page 28, [0449],

¹ Wherein the step where the user enters the installation ID (Page 28, [0452], line 41, Kite) corresponds

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lines 1 – 3, and [0519], Kite; and Page 8, [0257], lines 4 – 7, VanDusen); and producing a fourth report identifying each completed fiber splice drawing record within a defined geographical region ([0516], and [0517], Kite).

9. Applicant argues that the applied art fails to disclose; “outputting a first report identifying each fiber splice drawing record assigned to the draftsman; outputting a second report identifying each completed fiber splice drawing record assigned to the draftsman; outputting a third report identifying each fiber splice drawing record assigned to a facility of draftsmen; and outputting a fourth report identifying each completed fiber splice drawing record within a defined geographical region,”

Examiner respectfully disagrees. Kite/VanDusen does disclose: outputting a first report identifying each engineering drawing job assigned to the draftsman ([0429], and [0647], Kite; and Page 8, [0235], lines 1 – 8, VanDusen); outputting a second report identifying each completed fiber splice drawing record assigned to the draftsman (Page 30, [0479], lines 56 – 62, and [0519], Kite; and Page 31, [1162], lines 1 – 6, VanDusen); outputting a third report identifying each fiber splice drawing record assigned to a facility of draftsmen (Page 28, [0449], lines 1 – 3, and [0519], Kite; and Page 8, [0257], lines 4 – 7, VanDusen); and outputting a fourth report identifying each completed fiber splice drawing record within a defined geographical region ([0516], and [0517], Kite).

to the step where the manager inputs the job number claimed.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GIOVANNA COLAN whose telephone number is (571)272-2752. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Giovanna Colan/
Examiner, Art Unit 2162
June 2, 2010